Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters	)))))	IB Docket No. 16-408

PETITION FOR RECONSIDERATION

Iridium Constellation LLC ("Iridium"), EchoStar Satellite Operating Corporation/Hughes Network Systems, LLC ("EchoStar"), and Telesat Canada ("Telesat") (collectively, "Petitioners") hereby seek reconsideration of a single element of the *Report and Order* in the above-captioned proceeding. In particular, Petitioners request that the Commission reconsider the addition of footnote NG62, which the *Report and Order* added to the Table of Frequency Allocations.

The Commission's Ka-band Plan designates the 29.1-29.5 GHz band for geostationary satellite orbit ("GSO") Fixed-Satellite Service ("FSS") stations and non-geostationary satellite orbit ("NGSO") mobile satellite service ("MSS") feeder link stations.[1] NG62 is intended to address the status of eighteen legacy fixed service stations that pre-date the band plan.

[1] *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, IB Docket No. 16-408, Report and Order and Further Notice of Proposed Rulemaking, FCC 17-122, Appendix B, rel. Sep 27, 2017 (the "*Report and Order*"). Iridium operates a constellation of 66 NGSO MSS space stations in low earth orbit. Through its satellite constellation, the largest in the world, Iridium can deliver communication services to first responders, public safety personnel, the U.S. Department of Defense, border security officers, the aviation industry, and the energy sector in addition to providing essential backup communications across urban and rural areas. Every user communication on the Iridium satellite system is routed through a gateway earth station. Iridium's gateways operate on feeder link frequencies that include the 29.25-29.3 GHz band. Iridium also employs this band for the TT&C links that it uses to control and command its space stations. EchoStar operates a fleet of geostationary satellites, including two satellites that use, or will use, the 29.25-29.5 GHz band and already provide broadband service to over one million customers in this band. Its EchoStar XIX high-throughput satellite entered

Seventeen of these are temporary fixed stations that are authorized to operate in various bands, including the 29.25-29.5 GHz band.[2] The licenses for these stations include the following condition requiring prior coordination with other users, including Fixed-Satellite Service users:

> *Each use of facilities under this authorization must be prior coordinated with existing users and applicants in accordance with 101.103(d) of the Commission's Rules. If all parties agree, the coordination may be completed verbally. Pursuant to 101.31 no station under this authorization may remain at the same location for a period of more than 6 months. No right to the use of the frequency beyond months is conveyed by operation under this authorization, unless an application for permanent authorization has been filed with the Commission.*[3]

The Commission's stated intent in adopting NG62 was "to permit incumbent fixed service licensees to continue to operate as authorized."[4] As currently written, however, NG62 is inconsistent with this goal. NG62 does not merely permit the legacy temporary fixed stations to operate "as authorized," which based on their license conditions would require that they be coordinated with FSS users in the 29.25-29.5 GHz band. Rather, NG62 elevates the status of the temporary fixed stations such that FSS stations cannot interfere with them, and must accept interference from them, in the band.

As adopted, footnote NG62 reads:

> **NG62.** In the bands 28.5-29.1 GHz and 29.25-29.5 GHz, stations in the fixed-satellite service shall not cause harmful interference to, or claim protection from, stations in the fixed service operating under the following call signs: KEB35, KGB72, KGC79, KIL20, KME49, KQG58,

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into commercial service in March 2017 and currently delivers broadband services that meet or exceed Commission-defined speeds of 25/3 in the continental United States, Southeastern Alaska, Puerto Rico, and the U.S. Virgin Islands. EchoStar has begun construction of its next generation satellite, EchoStar XXIV/Jupiter 3, which, when launched, will deliver even higher speeds of around 100 Mbps up and 10 Mbps down, and expanded services throughout the United States. Telesat also operates a fleet of satellites, including four geostationary satellites that are authorized to provide FSS in the U.S. in all or a portion of the 29.25-29.5 GHz band. These satellites are being used or will be used to deliver broadband internet service, video transmissions and VSAT services, including for the provision of disaster relief services to areas such as Puerto Rico.

[2] *Id.* at n. 51.

[3] *See* FCC Call Signs KEB35, KGB72, KGC79, KIL20, KME49, KQG58, KQH74, KSA96, KSE73, KVH83, KYJ33, WLT380, WMK817, WMP367, WSL69. While not identical, substantially the same language appears in the license for WAX78.

[4] *Report and Order*, at ¶ 22.

KQH74, KSA96, KSE73, KVH83, KYJ33, KZS88, WAX78, WLT380, WMK817, WML443, WMP367, and WSL69.

This provision could subject Petitioners' services -which include consumer and enterprise broadband services and communication services provided to first responders, public safety personnel, the U.S. Department of Defense, border security officers, the aviation industry, and the energy sector in addition to providing essential backup communications across urban and rural areas – to harmful interference from legacy temporary fixed stations. The provision also could require Petitioners to shut off feeder links providing these services for periods of up to six months to avoid interfering with temporary fixed operations.

To avoid these consequences, and to align the rules with the Commission's stated intent, Petitioners ask that NG62 either be eliminated or be revised as follows:

> **NG62.** In the bands 28.5-29.1 GHz and 29.25-29.5 GHz, stations in the fixed service under the following call signs: KEB35, KGB72, KGC79, KIL20, KME49, KQG58, KQH74, KSA96, KSE73, KVH83, KYJ33, KZS88, WAX78, WLT380, WMK817, WML443, WMP367, and WSL69, which were authorized prior to 1996 under Part 21 of the Commission's rules, which was replaced by Part 101 of the rules, may continue to operate in the bands in accordance with the conditions of their licenses as of the September 27, 2017 release date of the Report and Order in IB Docket No. 16-408.

Conclusion

For the reasons stated above, the Commission either should eliminate NG62 or revise it in the manner presented herein.

Respectfully submitted,

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